IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 459 of 2005

Between:

Babu Sab, S/o. Kadar Ali Saheb,
R/o. Gajjahalli Village, Holagunda Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Holagunda Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in dismissing the appeal vide Rc.No. CS3/282/2004 dt. 28-12-2004 without considering the evidence produced by the petitioner as illegal, arbitrary, mala fide and violative of principles of natural justice and consequently set aside the orders of the 1st Respondent and pass such other order or orders

Counsel for the Petitioner: MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner as a fair price shop dealer was suspended by the second respondent through orders dated 23.07.2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent. He also filed an application for stay. Through an order dated 16.08.2004, the first respondent stayed the operation of the order of the second respondent. Subsequently, through an order dated 28.12.2004, the first respondent dismissed the appeal and vacated the interim orders. Hence this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The main allegation against the petitioner was that he supplied AAY rice and kerosene at higher rates. While considering the application for stay, the first respondent recorded a finding that there is some lacuna in the enquiry and thereby stayed the operation of the order of suspension. Four months thereafter, he rejected the appeal after verification of the record. The only observation that constituted the basis for rejecting the appeal reads as under:

> "On perusal of the records and receipt of the Mandal Revenue Officer, Holagunda the appellant has committed irregularities in distribution of E.Cs. and violated the conditions of authorization issued under the Control order. The appellant has issued less quantity of AAY rice i.e. 30 Kgs. per card instead of 35 Kgs. and sold at higher rates @ Rs.3.25 per Kg. instead of Rs.3/- per kg. to the card holders."

It is not as if any additional material was placed before the first respondent. At

any rate, once he has chosen to direct the second respondent to dispose of the proceedings as early as possible, there does not seem to be any valid reason to vacate the stay for that short period.

Hence, the writ petition is disposed of directing that the second respondent shall dispose of the proceedings initiated by him against the petitioner within four weeks from the date of receipt of a copy of this Court and till such time, the order of suspension dated 23.07.2004 passed by him shall remain stayed. There shall be no order as to costs.

20.01.2005

Note:

Issue CC by 24.01.2005

(BO)

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To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Holagunda Mandal, Kurnool District.

4 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad, (OUT).

5 Two C.D. Copies.